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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,374	10/26/2000	Wen H. Wu	28939/36715	3688

7590 02/03/2004

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Marshall, O'Toole, Gerstein
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Chicago, IL 60606-6402

EXAMINER

COLE, MONIQUE T

ART UNIT	PAPER NUMBER
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1743

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/697,374

Applicant(s)

WU

Examiner

Monique T. Cole

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 6-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 6-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

The indicated allowability of claims 2, 10, 11 and 15 is withdrawn in view of the newly discovered reference(s) to Robinson. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 4, 6, 7, 8, 9, 13, 14, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 4,902,719 to Gerhart et al. (herein referred to as "Gerhart").

Gerhart teaches a composition comprising an ornithine derivative in an amount of 0.5-25%; a methylcellulose, hydroxypropylmethylcellulose or carboxymethylcellulose; water and ethanol. See col. 9, lines 47-64; col. 10, lines 17-19. The R group in this reference consists of an alkyl substituted with an amino group. The R group is not optionally substituted with hydroxy. The composition may further comprise an anionic detergent selected from olefin sulfonates and sulfosuccinates (col. 10, lines 9-11). The Examiner acknowledges that the instant claims recite that the composition be "capable of exhibiting a detectable and measurable color transition in response to a concentration of a dialdehyde" however, the claimed composition is limited to components a, b and c and do not require the presence of the dialdehyde. Moreover, it

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is the Examiner's position that since the components of Gerhart are the same as those instantly claimed, the composition as claimed by Gerhart would inherently possess the ability to react colorimetrically to the presence of a dialdehyde.

3. Claims 1, 3, 4, 7, 8, 9, 10, 11, 12 & 15 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 5,603,923 to Robinson et al. (herein referred to as "Robinson").

Robinson teaches a composition that comprises from about .1-10% of lysine; .15% of hydroxyethylcellulose and a carrier. See claim 1, col. 16, line 10.

The Examiner acknowledges that the instant claims recite that the composition be "capable of exhibiting a detectable and measurable color transition in response to a concentration of a dialdehyde" however, the claimed composition is limited to components a, b and c and do not require the presence of dialdehyde. Moreover, it is the Examiner's position that since the components of Robinson are the same as those instantly claimed, the composition as claimed by Robinson would inherently possess the ability to react colorimetrically to the presence of a dialdehyde.

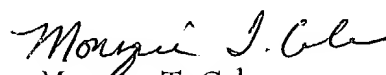
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique T. Cole whose telephone number is 571-272-1255. The examiner can normally be reached on Monday-Thursday from 6:30 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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A handwritten signature in cursive script, reading "Monique T. Cole".

Monique T. Cole

Examiner

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MC